

## REMARKS

Claims 1, 3-6 and 10 were pending in this application. Claims 1, 3, 5 and 10 have been amended and new claim 13 has been added.

The amendment to claim 1 is supported throughout the original specification, *e.g.*, at page 3, line 15. Claims 3, 5, and 10 have been amended in form only. New claim 13 is supported, *e.g.*, by original claim 2. No new matter is introduced by these amendments.

After entry of this amendment **claims 1, 3-6, 10 and 13 are pending in this application.** Consideration of the pending claims is requested.

### Claim Rejections under 35 U.S.C. §102:

Claims 1, 3, 5, 6 and 10 have been rejected under 35 U.S.C. §102(b) as being allegedly anticipated by Tine *et al.*, *Infect. Immun.*, 64(9):3833-3844, September 1996 (“Tine”). Applicants traverse this rejection.

Tine teaches the insertion of “genomic or cDNA copies of the genes encoding CSP, PfSSP2, a repeatless form of LSA1, MSP1, SERA, AMA1 and Pfs25 at four defined sites in the NYVAC [vaccinia virus] genome” (see, Tine, page 3838, column 2, approx. lines 14-18). As evidenced, *e.g.*, by Figure 1 in Tine, the genes encoding the above-mentioned proteins were under the control of separate promoters and were separately transcribed. Thus, Tine describes the expression of multiple proteins each of which is from a particular life stage of *P. falciparum*. In stark comparison, amended claim 1 (and dependent claims 5, 6, and 10) recites, in part, a “single, recombinant protein comprising peptides from two or more stages in a life cycle of *Plasmodium falciparum* . . . .”

With regard to claim 3, Tine clearly does not teach the amino acid sequence set forth in the present application as SEQ ID NO: 2.

Because Tine does not teach each and every element of claim 1 or claim 3, Tine cannot anticipate such claims or claims that depend from either of them (*i.e.*, claims 5, 6 and 10). Thus, Applicants request that this rejection of claims 1, 3, 5, 6 and 10 be withdrawn.

Claim Rejections under 35 U.S.C. §103:

Claims 1 and 3-6 have been rejected under 35 U.S.C. §103 as allegedly being unpatentable over Tine, in view of Schmitt *et al.*, *Mol. Biol. Reports*, 18:223-230, 1993 ("Schmitt"). Applicants traverse this rejection.

As discussed above, Tine does not teach or suggest all of the elements of claims 1 and 3-6. Schmitt does not teach or suggest the claim elements lacking in Tine (*e.g.*, peptides from two or more *P. falciparum* life stages expressed in a single, recombinant protein). Thus, all the claim limitations are not taught or suggested by the cited references and a *prima facie* case of obviousness is not established (MPEP §1504.03). Applicants request that this rejection be withdrawn.

New Claim 13

New claim 13 depends from claim 1 and, therefore, avoids Tine and Tine in view of Schmitt for each of the reasons stated for claim 1.

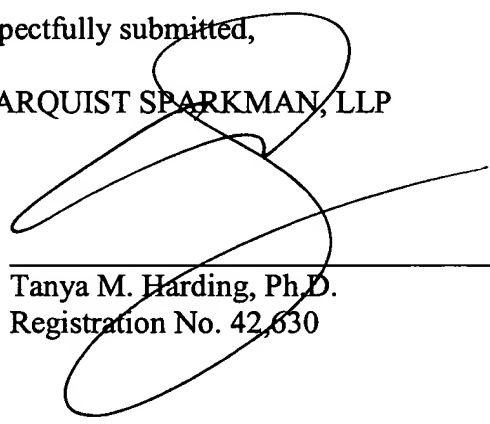
### CONCLUSION

It is respectfully submitted that the present claims are in a condition for allowance. If it may further issuance of these claims, the Examiner is invited to call the undersigned at the telephone number listed below.

Respectfully submitted,

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